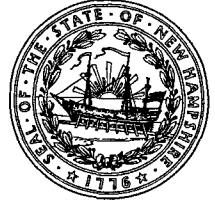




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2004-072**

October 29, 2004

Luc Cote  
LL Cote Company  
1 Main St  
Errol, NH 03579

RE: DES Wetlands File #2004-00610, 1 Main Street, Errol

Dear Mr. Cote:

On April 22, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Errol Tax Map U-1 as Lot 2-39 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A turbidity plume was migrating into Demers Children's Fish Pond. The turbidity was traced to construction activities on the Property adjacent to a stream and within associated wetlands;
2. The south side stream bank had been disturbed by construction and plowing activities, and was unstable and eroding into the stream feeding Demers Children's Fish Pond; and
3. Fill was observed within wetland on the north edge of the Property boundary. The edge of wetland was disturbed with recent fill.

In response, you are requested to take the following actions:

1. By November 15, 2004, retain a certified wetland scientist to prepare a restoration plan to DES to remove fill located within the wetland and to restore the stream and stream bank on the Property. The restoration plan approval should be submitted to DES for approval by November 30, 2004, and contain the following:
  - a. A plan with dimensions, drawn to scale, indicating the footprint of the wetland prior to the addition of fill (delineated in accordance with Section F of the Corps of Engineers Wetlands Delineation Manual), and the footprint of existing conditions indicating the areas that have been filled;
  - b. A plan for re-establishing the wetland to its original footprint;
  - c. A proposed means for erosion control;
  - d. A proposed schedule and restoration sequence listing equipment and methods for accomplishing restoration;
  - e. A proposed planting plan for the re-establishment of wetland vegetation;
  - f. A monitoring and reporting schedule including an initial report to DES and at least one

restoration progress report after a full growing season; and

g. Implement the restoration plan only after receiving written approval as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

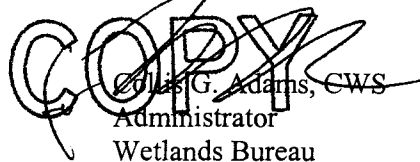
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact me at (603) 271-4056 or by e-mail at [lmagoon@des.state.nh.us](mailto:lmagoon@des.state.nh.us).

Sincerely,

  
Douglas G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 1160 0005 9765 0926

cc: Rene Pelletier, Manager, Land Resources Management Program  
Craig Rennie, DES  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Errol Conservation Commission  
Errol Board of Selectmen  
Lobdell Associates, Inc.  
USACOE